### REPORTS ANALYSIS DIVISION REFERRAL

TO

## OFFICE OF GENERAL COUNSEL

DATE: April 16, 2013

ANALYST: Carolina Cavano

I. COMMITTEE:

Rob Zerban for Congress

C00495523

Teri Jacobson, Treasurer

P.O. Box 2286 Kenosha, WI 53141

II. RELEVANT STATUTES:

11 CFR §104.3(b) 2 U.S.C. § 434(b)(4)

III. BACKGROUND:

# Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

Rob Zerban for Congress ("the Committee") amended its 2012 12 Day Pre-General Report to disclose additional disbursements of \$438,682.66, which were not reported in the original report (Attachment 2).

On October 22, 2012, the Committee filed the original 2012 12 Day Pre-General Report covering the period from October 1, 2012 through October 17, 2012 (Image 12960681423). The report disctosed \$323,024.29 in disbursements on Line 17 (Operating Expenditures), no disbursements on Line 20(a) (Refunds of Contributions to Individuals/Persons Other than Political Committees), and no disbursements on Line 21 (Other Disbursements) of the Detailed Summary Page (Image 12960681426).

On December 7, 2012, the Committee filed an Amended 2012 12 Day Pre-General Report (Image 12941450521). The report disclosed \$742,704.24 in disbursements on Line 17, no disbursements on Line 20(a), and no disbursements on Line 21 of the Detailed Summary Page (Image 12941450524).

On January 23, 2013, the Committee filed an Amended 2012 12 Day Pre-General Report (Image 13960388122). The report disclosed \$759,926.95 in disbursements on

Line 17, \$1,280.00 in disbursements on Line 20(a), and \$500.00 in disbursements on Line 21 of the Detailed Summary Page, a total increase of \$438,682.66 from the original report (Image 13960388125, Attachment 2).

On January 30 and 31, 2013, the Reports Analysis Division (RAD) Analyst spoke with Ms. Teri Jacobson, Committee Treasurer, and informed her that the increased activity disclosed on the Amended 2012 12 Day Pre-General Report may be referred for further Commission action. Ms. Jacobson explained that the Committee was new, the level of financial activity was unanticipated, and the Committee experienced many staff changes. She indicated that she undertook an internal audit of the Committee's records after receiving several Requests for Additional Information (RFAI) from RAD In late 2012 and early 2913, and discovered transactions that had not been reported (Attachment 3).

On February 11, 2013, an RFAI was sent to the Committee, referencing the Amended 2012 12 Day Pre-General Report, received January 23, 2013. The RFAI requested clarification regarding the substantial increase in disbursements that were not disclosed in the original filing (Image 13330022635).

On March 8, 2013, the Committee filed a Miscellaneous Electronic Submission ("Form 99") in response to the RFAI. The Committee stated, in part:

"Zerban for Congress noticed several diacrepuncies in our records while completing the 2012 Post Election campaign filing and initiated an internal audit to rectify the problem. The internal audit was not completed by the 2012 Post Election filing deadline, so an attempt was made to correct the record to the best of our ability at the time by filing amended reports for the errors we had become aware of. Once the internal audit was completed, Zerban for Congress filed amended reports for all affected periods to correct the errors" (Image 13961139446).

On March 22, 2013, the RAD Analyst left a voicemail message for Ms. Jacobson. The Analyst stated that the issue of increased activity on the 2012 12 Day Pre-General Report, received January 23, 2013 would be referred to another office for further Commission action. Later that day, Mr. Al Beninghoff, Campaign Manager, returned the Analyst's call on behalf of Ms. Jacobson; The Analyst reiterated to Mr. Beninghoff that the Committee would be referred for further Commission action due to the increased activity reported (Attachment 3).

To date, no further communications have been received from the Committee regarding this matter.

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No records were found for this cycle.

Rob Zerban for Congress (C00495523)
2012 12 Day Pre-General Report/Amended 2012 12 Day Pre-General Report, received 1/23/13

# **Overview of Additional Disbursements**

Report Line	2012 12 Day Pre- General Report (Image 12960681423)	Amended 2012 12 Day Pre-General Report, received 1/23/15 (Image 13960388122)	Variance Amount
Line 17: Operating Expenditures	\$323,024.29	\$759,926.95	\$436,902.66
Line 20(a): Refunds of Contributions to Individuals	\$0.00	\$1,280.00	\$1,280.00
Line 21: Other Disbursements	\$0.00	\$500.00	\$500.00
		Total Variance	1 5/438 682 66